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October 17, 2023

Via ECF

Honorable Valerie Caproni
United States District Judge
United States District Court
Southern District of New York
40 Foley Square, Room 240
New York, NY 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/17/2023

RE: *B.M. a/o/e Z.O. v. Gonzalez, et al.*, 22-CV-2658

Dear Judge Caproni:

We represent Plaintiff in the above-captioned case. We write pursuant to Rule 5.B.iii of the Court's Individual Rules of Practice in Civil Cases to request permission to file three exhibits under seal and a fourth exhibit partially redacted in connection with the Joint Discovery Letter requested by the Court during the October 12, 2023 telephone conference. Defendants consent to this request.

This case involves allegations that a severely developmentally disabled woman, Z.O., died as a result of Defendants' negligence in failing to provide her appropriate care to prevent her from suffering a fatal bowel impaction. The materials Plaintiff seeks to redact and file under seal include sensitive medical information about Z.O.'s medical care and death. *See, e.g., McGuirk v. Swiss Re Financial Servs. Corp.*, No. 14 Civ. 9516, 2015 WL 13661685, at * 1 (S.D.N.Y. March 30, 2015) ("Medical information is among the types of information often made subject to a sealing order."). The materials also fall within the definition of "Confidential Information" under the Protective Order entered by the Court. *See* Protective Order, Dkt. 89.

Exhibit A to the Joint Discovery Letter is an email sent by defense counsel that includes the full names of Plaintiff Z.O. and her sister B.M. Plaintiff seeks to redact their full names from the email, which are Confidential Information under the Protective Order. *Id.* ¶¶ 1(a), (c). Exhibits B-D are screenshots of text messages exchanged by various Defendants that include Z.O.'s full name, the full name of another person receiving care from the New York State Office for People with Developmental Disabilities, and information about Z.O.'s death and medical

care. This information is likewise “Confidential Information” under the Protective Order, *id.* ¶¶ 1(a)-(b), 2(c), and Defendants marked these documents “Confidential” when they produced them to Plaintiff.

Accordingly, Plaintiff respectfully requests permission to redact Z.O. and B.M.’s full names from Exhibit A to the Joint Discovery Letter and file Exhibits B-D to the Joint Discovery Letter under seal. To ensure that Plaintiff’s sealing request is as narrow as possible, she does not seek to file the Joint Discovery Letter under seal or redact any portion of it.

We thank the Court for its attention to this matter.

Respectfully submitted,

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/s/ Ilann M. Maazel

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Application GRANTED as to Exhibit A. Application DENIED without prejudice as to Exhibits B-D. Plaintiff is directed to make more targeted redactions, as the entirety of the text messages are not confidential.

SO ORDERED.



October 17, 2023

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE